

Notice of Allowability

Application No.

10/507,420

Examiner

Andrea M. Valenti

Applicant(s)

MCROBERT, IAN

Art Unit

3643

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03 July 2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____



Andrea M. Valenti
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Brown on 12 December 2007.

The application has been amended as follows:

Claim 1, line 13, "said tank" was changed to --said receptacle--

Claim 4, line 3, "said pre-determined level." was changed to --said pre-determined water level.--

Claim 5, line 5, "said pre-determined level." was changed to --said pre-determined water level.--

Claim 6, line 15, "said tank" was changed to --said receptacle--

Claim 7, line 3, "tank" was changed to --receptacle--

Claim 8, line 14, "said tank" was changed to --said receptacle--

Claim 11, line 3, "said pre-determined level." was changed to --said pre-determined water level.--

Claim 12, line 5, "said pre-determined level." was changed to --said pre-determined water level.--

Claim 13, line 16, "said tank" was changed to --said receptacle--

Claim 14, line 2, "said tank" was changed to --said receptacle--

Claim 15, line 14, "said tank" was changed to --said receptacle--

Allowable Subject Matter

Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 4,780,217; U.S. Patent No. 3,924,570; European Patent EP 0224648; U.S. Patent No. Re 28,116; U.S. Patent No. 1,574,783; U.S. Patent No. 2,871,820; U.S. Patent No. 6,715,743; U.S. Patent No. 6,032,931; U.S. Patent No. 2,849,294; U.S. Patent No. 6,280,625; U.S. Patent No. 5,139,659; U.S. Patent No. 3,841,999; U.S. Patent No. 5,160,431; U.S. Patent No. 5,484,525; U.S. Patent No. 6,808,625; U.S. Patent Pub. No. US 2006/0180531; U.S. Patent Pub. No. US 2003/0178352 teach a first conduit having a first and second end; a second conduit having a first and second end disposed inside of the first conduit with an aquaculture receptacle.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a waste water extraction system for an aquaculture receptacle having a side wall and a bottom wall, said receptacle filled with water to a particular water level, said system including at least: a first conduit having first and second ends; a second conduit disposed inside said first conduit, said second conduit having first and second ends; a plate extending transversely across and sealing said first end of said first conduit and extending laterally of said first conduit, said plate provided with an axial hole in fluid communication with said first end of said second conduit, and said first end

of said first conduit provided with at least one aperture near said plate; and, spacer means on a surface of said plate opposite said first conduit for spacing said plate from said bottom wall; said first and second conduits configured to exit said tank at a location at least partially below said pre-determined water level.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrea M. Valenti
Primary Examiner
Art Unit 3643

12 December 2007